

REMARKS

This Amendment is being filed in connection with an RCE filed concurrently herewith. The claim amendments address rejections made in the final Office Action dated February 12, 2007 and the Advisory Action dated June 11, 2007. Claims 1-11 have been withdrawn, Claims 12, 15 and 17-19 and 21 have been amended, and Claim 20 has been canceled from the application. Currently, Claims 12-19 and 21 are pending in the present application.

As an initial matter, the drawings stand objected to for failing to show the feature of a "loading table". As a result, Claim 19 has been amended to remove the phrase "loading table". Accordingly, withdrawal of the drawing objection is respectfully requested.

Claims 19 and 20 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. With regard to claim 19, the phrase "automatically guide a loading table to the emptying area" has been removed. With regard to claim 20, this claim has been canceled from the application. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 12-21 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended the claims to overcome these rejections. Accordingly, withdrawal of the rejections under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Advisory Action, the Examiner appears to maintain the rejection of Claims 12-15 and 17-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,442,456 to *Burns et al.* in view of U.S. Patent No. 6,363,632 to *Stentz et al.*

With regard to *Burns et al.*, the Examiner alleges that this reference discloses a

control system for automatically guiding autonomous movements of a dumper truck and a loading vehicle. The Examiner further states that *Burns et al.* discloses that a controller maneuvers the dumper truck and the loading vehicle to a position that enables the loading of the dumper truck by the loading vehicle. However, this is simply not the case. To the contrary, loading is not discussed in the *Burns et al.* reference, nor is a controller which would maneuver the dumper in relation to loading. The Examiner has failed to establish where such features are described in *Burns et al.*

The Examiner seeks to rely upon *Stentz et al.* for disclosing the features not shown in *Burns et al.* In particular, the Examiner claims that *Stentz et al.* discloses an automatic system for loading material autonomously from a loading vehicle to a dumper truck. However, *Stentz et al.* does not disclose a control system for automatically guiding movements of a dumper truck and a loading vehicle. Moreover, *Stentz et al.* also fails to disclose a controller that maneuvers the dumper truck and the loading vehicle to a position that enables the loading of a dumper truck by the loading vehicle. To the contrary, *Stentz et al.* discloses measurement devices of the loading vehicle which measure the position of the dumper truck without any information or definition of the loading. Accordingly, neither *Burns et al.* nor *Stentz et al.*, in combination or alone, disclose the patentable features of independent Claim 12.

For at least the foregoing reasons, it is submitted that the apparatus of Claim 12, and the claims depending therefrom, are patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues

pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

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